

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHELLE ELIZABETH MARTELL,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner
of Social Security,

Defendant.

Case No. C12-1961-RSL

**REPORT AND
RECOMMENDATION ON
ATTORNEY FEES**

Plaintiff Michelle E. Martell filed a motion for Equal Access to Justice Act attorney fees (“EAJA”). Dkt. 22. The matter was referred to Magistrate Judge Brian A. Tsuchida. Dkt. 24. Defendant’s counsel filed a response to the motion, seeking a reduction of the amount requested. Dkt. 26. The parties have since conferred and have now stipulated to a reasonable payment of plaintiff’s attorney fees, thus rendering plaintiff’s prior motion for EAJA fees (Dkt. 22) as moot.

The parties, through their respective counsel, stipulate that plaintiff is entitled to an award of attorney fees in the amount of \$6,248.75 and expenses in the amount of \$27.26, for a total of \$6,276.01 to be paid by defendant pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, subject to any offset as described in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). The check(s) will be mailed to plaintiff’s attorney’s office: Law Office of Steven M. Robey, 1414 F Street, Bellingham, WA 98225. If it is determined that plaintiff’s EAJA fees are not subject to any

1 offset allowed under the Department of the Treasury's Offset Program, the check for EAJA fees
2 shall be made payable to the Law Office of Steven M. Robey, based upon plaintiff's assignment
3 of these amounts to plaintiff's attorney.

4 Because the parties have stipulated to the payment of attorney's fees, as set forth above,
5 the Court recommends United States District Judge Robert S. Lasnik immediately approve this
6 Report and Recommendation and order the stipulated Motion for Attorney Fees (Dkt. 27) be
7 **GRANTED.** A proposed order accompanies this Report and Recommendation.

8 DATED this 2nd day of December, 2013.

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11 BRIAN A. TSUCHIDA
12 United States Magistrate Judge
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